IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 9TH NOVEMBER 2006 / 18TH KARTHIKA 1928

MFA.No. 935 of 1999()

OPMV.668/1992 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ATTINGAL
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APPELLANT/PETITIONER:

NAZEER
S/O. SHAHUL HAMEED, K.V.HOUSE
MADAN NADA, MUKKAMPALAMOODU
THEKKADA VILLAGE, NEDUMANGAD

BY ADV. SRI.SUBHASH CYRIAC
SMT. MUMTAZ SHAMSUDDIN

RESPONDENTS/RESPONDENTS:
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1. THE GENERAL MANAGER
K.S.R.T.C. CHIEF OFFICE
FORT, TRIVANDRUM.

2. JOHN
S/O. CHACKO
PALAKKOTTAZHIKATHU VEEDU
PULAMAN JN., TOWN WARD
KOTTARAKKARA.

BY ADV. SRI.SAJEEVKUMAR K.GOPAL, SC, KSRTC

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 09/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY & M.N. KRISHNAN, JJ.

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M.F.A. NO. 935 OF 1999

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Dated this the 9th day of November, 2006.

JUDGMENT

KRISHNAN,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal in O.P.(MV) No. 668 of 1992, Attingal.

2. The claimant sustained injuries in a road accident and sustained disability and he has been awarded an amount of Rs.15,000/- as compensation. Hence the present appeal is filed.

3. Heard the counsel for the appellant.

4. A perusal of Ext. A6 disability certificate would reveal that he had brain contusion with subdural haematoma over the right parietal region. He was complaining weakness on the left side of the body and the Doctor, Medical College Hospital, Trivandrum assessed disability at 11%. The Tribunal did not take into consideration the disability certificate at all. It was incorrect. Therefore, we refix the compensation by taking the disability at 10%. He was 18 years at the time of the accident and certainly he would have been earning Rs.1,000/- per month.

By taking 10% disability, the annual loss of earning capacity would be Rs.1200/- and by applying a multiplier of 16, the permanent disability compensation would be Rs.19,200/-. The Tribunal awarded compensation for other heads in a just and reasonable way and it does not call for any interference.

5. Therefore, this Miscellaneous First Appeal is partly allowed and the claimant is awarded an additional compensation of Rs. 19,200/- with 7% interest on the said sum from the date of petition till realisation and the first respondent is directed to deposit the amount within a period of two months from the date of receipt of the copy of this judgment.

J.B. KOSHY, JUDGE.

M.N. KRISHNAN, JUDGE.

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